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THE DESERTERS.

Founded upon an Incident of the last War.

BY F. H. DUFFEE.

Lightly they'll speak of the spirit that's gone,
And o'er his cold ashes upbraid him;
But little he'll reck if they let him sleep on,
In the grave where his comrades have laid him.
Rev. Mr. Woolf.

A military execution! The very idea alone is associated with feelings of terror; and yet, it is in fact a salutary enactment, which has been deemed necessary by the members of that honorable profession, in order to suppress the horrors of an insurrection and the baser crime of desertion. Comparatively the officers are few in number, when placed in opposition to those over whom they are called to preside; and were it not for the strict enforcement of the *ordonnances* which govern them in the discipline thus enjoined, anarchy would soon ensue, and the event be fraught with the most direful consequences. There is a wide distinction indeed, between the *civil* and military code, inasmuch as the former has so many crevices through which the offender may effect his escape "*Scot-free*," that the majority of persons who thus avail themselves of the privilege, have no doubt been "*deeply smitten*" with the philosophy of Hu-dibras' hero, wherein he has been pleased to observe, that

He who fights and *runs* away,
May live to fight another day.

It is actually revolting to a well cultivated and sensitive mind to visit one of our Courts of Justice, and witness the sophistry and chicanery of "*petty-foggers*," who are there to be found engaged with the very *offals* of the legal pro-

fession. The vulgar throng who crowd these places are wrapt in almost breathless admiration with the speech, which has for its principal object, the blinding of a jury and the clearance of a criminal! That I may not appear singular in these reflections, the reader is referred to the charge of *Judge Conrad*, in the recent case of Dr. Eldridge, wherein he remarks; "formerly sympathy was felt for the innocent, but at the present time it has taken a contrary direction. The public sympathised with the guilty and threw around them an atmosphere of condolence; and even when found guilty, it clamored for pardon, which, when granted, they have been turned loose on society, again to redder their hands in the blood of innocent citizens. I speak not now the language of fiction, but of fact. If this is permitted to bias your decisions, the temple of justice would be profaned and her courts might as well be annihilated."

In venturing these few desultory remarks I entertain no apprehension of imparting offence to "the learned gentlemen of the Bar," many of whom are entitled to a highly favourable consideration with the community, and merit the *sobriquet* in every sense of its expression. Apart from these sentiments, a Court Martial presents to the soldier the only tribunal where the slightest stain on the escutcheon of his fair fame or honour is either forever erased from its tab-

let, or there indelibly engraved by those who have no interest or prejudice whatever to bribe or warp the solemn and decisive character of their award. The innocent patiently await the investigation, whilst the guilty tremble at the prospect of a conviction of the charge, and from which they are unable to escape. It has been observed that the deportment of military men, who by their conduct have merited the character of bravery, is always of an urbane and gentlemanly tone, arising from their just appreciation of the respect due themselves and of that to other individuals with whom they associate. Their conversation also presents a charm, which seldom accompanies that of other professions; for accustomed to look upon death without the ordinary sensations with which it is regarded by persons in general, they are at all times inclined to gaze on the brightest page of life; and after the smoke of a skirmish, the recital of their "hair breadth escapes" forms the prelude to the next merry meeting of their jocund companions. Commend me to the "old Captain," a military friend of mine, who "fought and bled" under the immortal Napoleon, when you would deeply interest me with the stirring incidents of glorious battles! This many scarred veteran has rehearsed to me a chapter replete with "moving incidents by field and flood," which shall be *quartered* upon the readers of the Military Magazine, when leisure is afforded to the one who will now introduce to them a hasty sketch of two brothers who deserted in the last war.

Towards the close of a day, in the latter part of the autumn of the year 1812, two youths had seated themselves on the road side, to repose awhile from the fatigue of a long journey, which they had performed in the endeavour to reach the city of Philadelphia before night-fall. The declining rays of the sun rested upon the splendid tinted forest, which gave back hues of the most resplendent description, while ever and anon, the mournful tones of the wind that stirred the crimson and golden leaves, seemed in sad unison with the grief which apparently preyed upon their young and sorrowful bosoms. Why, alas! is it that this season of unparalleled beauty stirs up the deep founts of the human heart and imparts to it a sorrow unlike that of other grief? And yet it is irresistible to roam through the autumn woods and listen to the thousand whispering tongues which fill the air. There is a feeling of sadness that pervades the mind, and although partaking as it does of a melancholy character, it is nevertheless grateful to the heart, filling it with emotions of a sublime and thrilling nature, produced by no other season in the year. It seems to tincture the feelings with a saddened inspiration, and awakens the dormant energies of the mind to the glorious spectacle of woodlands dying like the Dolphin, amidst the most gorgeous colours,—the last still loveliest—until all has faded into the sombre, russet garb! I am digressing however. The younger of the two lads, who have just been introduced to the reader's attention, was possessed of singular beauty. Grief, however, had suffused his deep blue eyes with tears, and he wept bitterly as he exclaimed to his brother,—"Do

let us go back, Frederick, and give our poor dear mother a parting kiss before we part, never to meet again! Only one kiss brother, and I will promise to go with you immediately wherever you desire."

"Never!" exclaimed the elder one, whose sinister expression of countenance indicated that a quarrel of a serious nature had occurred, which it was impossible to obliterate from his mind, and permitted not the slightest prospect of a reconciliation. "Never! she told us to go about our business, and that we were no longer wanted on the farm.—That John could do all the work, and it was high time for us to be getting our own living. It will be a long time before I trouble her again, the old fool——!"

"Hush! Frederick," replied the younger, interrupting his brother and preventing him from finishing the sentence—"don't call poor mother out of her name! What she said to us was done in one of her passions, which she is now, no doubt, sorry for, and would freely forgive us both for the impudence of our tongues, if we were only to go back and ask her pardon. Come brother let us go back, if it is only to part in friendship. We will find mother willing to forgive us for what we have done."

"I have done nothing," replied the other, "but what any person would do under similar circumstances. You may go back if you please, but as for me, I am determined to see the world, where there is as good a chance for us as others. I will not be tied, like you, to a cross-grained mother's apron string any longer."

The remonstrances of the younger having had no effect upon the other, and making up his mind to accompany him to the city, they resumed their journey, one with a blithe and the other a heavy heart. The two youths arrived in the metropolis, friendless and unknown. It would have caused a feeling heart a deep pang to have beheld them, as they wandered up and down the streets that night, seeking a lodging for their wearied limbs and aching heads. They stopped hesitatingly before several houses which they feared to enter, on account of not having provided themselves with the necessary means of defraying any expense which they might thereby incur, having parted from their home rashly and improvident. At length they entered the dwelling of a widow, in the suburbs of the town, who received them in the most friendly manner, and with whom they immediately resolved to remain, in the hope of eventually repaying her for the amount of board which might accrue during the period that they were in pursuit of employment. The subsequent morning Frederick arose early, and with buoyant spirits visited several places pointed out by the advertisements of the newspapers, and offered himself as a clerk, but being unable to give the required references which were deemed necessary, met with a chilling refusal and returned home with a dejected heart. The weeks rolled over each other, and still unsuccessful in obtaining employment; despair almost mastered the reason of the elder brother.—Charles, for so the younger one was named, seldom remained out long, but sat most of his time at his lodgings weeping bitterly, and occasionally relating his artless tale to the kind old widow lady; the effect of which was to deeply interest her, and the two forlorn youths found a friend indeed,

who mitigated in a great measure, their burden of woe.

They resolved finally to enlist, and were successful in their application at one of the many "*Rendezvous*" which abounded in the city at that period. Their tall and handsome figures imparted to them an appearance of being older than they really were, and hence their ready admission, when others would have undergone considerable questioning before they could have even become a "*raw recruit*." The Bounty money which was obtained on this occasion, Charles promptly paid over to the poor old widow, with whom he had formerly boarded, and whose claim against him, he intended to liquidate from time to time, as his wages should become due. The tears of the kind hearted widow were showered in grateful acknowledgment upon the honest youth, as he handed over the last cent in his possession to her, and, uttering a pious ejaculation for his future welfare, she departed for her home.

The conduct of the other brother was different; for he withheld the amount which was paid to him and put the old lady off with various excuses, alledging, that it was his intention to remit his mother the small sum which was in his possession, as she stood in urgent need of it, and that he would pay for his board with the next month's wages. This, alas, was the second step of the unhappy youth in the career of evil and misfortune; parting first in anger with an affectionate mother, whose hasty temper was but of a moment, and who loved her children dearly, and again seeking to defraud the one who had received him, when a stranger, with the utmost kindness and hospitality!

The monotony of life, which quickly ensued with the two youths after their enlistment, became at length insupportable, and at the expiration of the first week, Frederick was missing from the "*Roll-call*" one morning. It was soon ascertained that he had deserted, by information gleaned from a little boy, a son of the Recruiting officer, who had seen him with a bundle passing down the street in great haste. The circumstance produced considerable excitement among those who were impatiently awaiting the "*draft*," which was momentarily expected, and not without good cause, for there were several whose deeds reflected but little credit on either their heads or hearts, and who were most desirous of reaching an adjoining state, where their consciences could breathe rather more freely! In the enlisting of men there are many whose desperate fortunes have led them into the commission of crimes, and who are anxious to evade the scrutiny that would otherwise ensue, by assuming false names and entering the army! Of such characters the ranks are in some measure filled with, and the exception will also apply to this case as well as that of others, that good and bad alternately preponderate in the selection of applicants for admission into the service.

The feelings of Charles were deeply wounded by the maledictions which were bestowed upon his absent brother, whose crime was spoken of by the commanding officer at the "*Rendezvous*" in no measured terms of abuse. Even the ribaldry of his companions, some of whom were of the lowest extraction, were heard reviling the conduct of his brother, to all of which the poor youth was fated to listen and bear without a murmur.

The day succeeding the departure of his brother, he communicated to the wife of the officer his deep grief for the part which he had taken in quitting his parental roof, and depicting in pathetic eloquence the overwhelming affliction which it must have caused his mother, succeeded in making a tender impression by the affecting recital. This woman, possessing a larger share of benevolence than her husband, became devotedly attached to the friendless youth, from the first moment that she had beheld him, and her mind at once suggested and devised the means of his escape.

Charles deserted! Once more free to pursue what path his mind suggested, the heart of the youth beat with quickened pulsation, and in the joyousness of conscious liberty he shouted aloud in the street thanks for his deliverance! With bold footsteps he pursued his way up the street, rejoicing in the filial resolution of once more beholding his beloved mother and bedewing her cheeks with the tears of penitence for all the sorrow which he had caused that cherished bosom. Vain, alas! are all earthly hopes or expectations! For hope, like the morning rain-bow, betokens the cessation of the storm, but tempests again darken the sky where all was once as placid as an angel's sleep; and the howling wind—the hurried clouds—the lightning's vivid flash—and the deep toned thunder, give dread intimation of the renewed rage of the conflicting elements! Even so is it with the syren-song which gladdens once and awhile the human heart with its fascination and points to promised bliss—the weary days come at length, when all that was pictured with bliss is shrouded in the gloom of adversity.

The air-built castle toppled to the ground, and the high wrought picture which fancy spread before the poor youth's vision vanished in an instant. He was arrested in turning the corner of one of the streets by the Sergeant, who happened to be passing that way, and suspecting Charles' intention immediately took him prisoner! It was a moment of heart-rending trial; abandoning all hope of being able to persuade the officer to relax in the vigilance of his duty, he gave himself up a passive instrument, and with choked utterance exclaimed—

"Sir, I am your prisoner! Do with me what you please—my intention was not criminal—I only wished to see my dear mother again before we parted forever, and then I would have returned to my duty with a lighter feeling at my heart."

"You are a bad breed Sir," replied the Sergeant, "your family are all *light infantry*, no doubt, and at all times prepared for a march. You must however march along with me, Sir, just now, and we will see that you do not get the start of us again. A pretty time of life for you to be blubbering after your mother! I thought that you had been *weaned* for some time or we would not have enlisted you—the accoutrement of a cannon ball to your heels will prevent you from being *light headed* for the future, and keep you from cutting any more pigeon wings! Come along, Sir!"

"I am prepared to accompany you, Sergeant," returned the youth, "but do not walk with me in this manner; unhand me and I will go along beside you, so that idle curiosity may not be created."

The officer let go his hold of Charles' collar, and with

watchful eyes escorted him back to the "*Rendezvous*." Upon reception of a severe reprimand for absenting himself without permission, the youth was permitted, after much friendly intercession on the part of his comrades, to have his accustomed range of liberty.

Impelled however by affection and an unconquerable desire to behold his mother, he made the second unsuccessful attempt, and was again arrested, tried by a Court Martial, and sentenced to be shot! The extenuating circumstances which belonged to this unfortunate youth's case would, no doubt, have been sufficient at any other period to have averted the sad catastrophe of his fate! The officers who doomed him to death upon the Court Martial comported with the stern and imperative dictates of duty, which left them no alternative but to pronounce a verdict, over which they were known to have dropped the tear of regret. Our beloved country was then assailed by a foreign and powerful foe in Great Britain. It was indeed "*the time that tried men's souls*," and, at such a period, the crime of desertion was regarded with serious apprehension of its disorganizing and disastrous effects.

Charles was immediately after his sentence, placed in the custody of the officer at whose "*Rendezvous*" he had enlisted, and experienced from his wife, whom we have before noticed, all the kindness and attention of that sex, who are emphatically "heaven's last, best gift to man."

The fatal morning arrived when this poor forlorn youth was to undergo the dread penalty of the law! The lady to whom I am indebted for the oral relation of this tragic affair was the wife of that Recruiting Sergeant, who has long since passed to his final account; and even at the present day, the harrowing thoughts which crowd upon her brain, in recalling this solemn transaction, cause the tears of anguish to flow freely.

"Oh, Sir!" she remarked to me in concluding the rehearsal of her sad tale,—"if you had witnessed that poor youth's dejected countenance and heard him weeping for his poor, poor mother, as he frequently called her, your heart would have broken on the spot! After bidding me an affectionate farewell, they conveyed him down to Fort Mifflin. Oh! I shall never forget that scene!"

"Did you witness, madam, the Execution?" I hesitatingly enquired. "Yes, Sir! I did—for I loved that lad dearly—he was so kind and affectionate to me and the children—I could not refrain from seeing his last moments. But it was a scene that I would never witness again, Sir, for it haunts my mind at all times—even now, I can hear the muffled drums and behold the solemn procession of the officers and marines, proceeding with that poor youth to the place of execution. Upon arriving at the fatal spot they halted—Charles was led out and blindfolded. It was a dark and dreary day—the snow lay upon the ground, and all indeed seemed as gloomy as that unfortunate boy's last hour! The flag on the Fort was hoisted at *half-mast*, and told the passing observer, that an awful tragedy was about to be consummated within its precincts! He knelt beside his coffin, after the reading of his sentence by the Lieutenant of the Marines,

and tearing the bandage from his eyes, he gave the word of command himself; when, just as the report of the guns were heard, one of the soldiers grounded his musket, and with averted face, exclaimed aloud in the most piteous tones,"—"great God! it is my brother!"

That soldier was Frederick, who, having enlisted again at another *Rendezvous* by a false name, was among the number ordered out to shoot Charles; and over the mangled corpse of that departed boy, I have heard said, that he became for the remainder of his life a most exemplary and moral man.

* * * * *

In a small dwelling situated in a remote part of New Jersey, beside a cheerful fire in the cold month of January, sat an aged widow, solitary and alone; her countenance bore traces of much mental suffering, yet bearing the impress of strong and ungovernable passions; these might have been the occasion of her present suffering, for the deep sigh and the occasional tears told that there was cause for grief! The wind whistled around the dwelling, the tall trees sighed to the evening blast.

"No letter—no information, could they have enlisted? oh! heaven forbid; yet in my dreams I have seen them both, and fancied that I heard the beat of drums—the tread of many feet, and the roar of cannon—more I have in visions seen my poor Charles—no, no, it was a vision! Hark! I hear a footstep on the hard ground—it comes nearer—nearer! it is—it is—gracious God I know it." She rushed to the door, opened it, and in a moment she was in the arms of her eldest son!—As she gazed upon him, her eyes brightened up, and the feeling of other and happier years came over her. "But my Charles! where is he? he went with you—say Frederick, where is my boy? You left me in anger! You took him in anger, you come back repentant, but without my boy."

"Mother let me rest, I am fatigued—let me rest one night."

"One night—rest one night while I am on the rack—sleep while your poor mother suffers? No! Frederick, tell me all—let the thunder burst at once and strike me dead—for life has no charms for me if my boy is dead."

"Mother be calm, Charles did not come with me."

"Where is he—Frederick do not deceive your poor mother—I have had forebodings—dark and deep forebodings—tell me at once is he dead?"

"Mother, mother be patient, Charles is dead."

"Heaven's will be done—alas! my poor boy!" and the widow wept aloud. "Tell me, Frederick, where did he die—how long was he sick? Ah! gracious God! is my dream to be realized?"

"Mother I will tell you all; sit down."

Frederick recounted their adventures—told of their arrival in town—their enlisting—their escape—the detections of Charles—his trial—his condemnation, and his death.

One wild scream—one groan of inconceivable agony—and the wretched mother fell prostrate to the floor!



U. S. DRAGOON CORPS.

U. S. Military Magazine

FULL DRESS.

Army & Navy, Vol. 2

Entered according to Act of Congress in the year 1832, by Charles H. Davis, in the Clerk's Office of the District Court of the Eastern District of New York.

DRAGOONS FULL DRESS.

Coat—dark blue cloth, double breasted, two rows of buttons, ten in each row, at equal distances, after the fashion of the coat for the infantry, except that the buttons are to be gilt, the lace gold, the collar, cuffs, and turnbacks, yellow, the skirt to be ornamented with a star, instead of a bugle, and the length of the skirt to be what is called *three-quarters*. The slash flap on the skirt and sleeve to correspond with that of the infantry; the slash on the sleeve to designate rank in the same manner; the collar to be framed with lace, two loops on each side of the collar, with small uniform buttons at the back end of the loops.

Epaulettes—according to the established rule, where the button is yellow, and according to rank; the strap to have no number on it.

Button—gilt, convex; device, a spread eagle, with the letter D on the shield.

Trousers—for the company officers, blue grey mixture, of the same color as that for the infantry, with two stripes of yellow cloth, three-fourths of an inch wide, up each outward seam, leaving a light between.

Field officers and Adjutant, dark blue cloth, with two stripes of gold lace up each outward seam, three-fourths of an inch wide, leaving a light between. For the summer, all officers to wear plain white drilling.

Cap—of the same material as that for the infantry, but

according to a pattern furnished; to be ornamented with a gilt star, silver eagle, and gold cord; the star to be worn in front, with a drooping white horse-hair pompon; the field officers to have a *small* strip of red hair, to show in front of their pompons.

Aiguillette—of twisted gold cord, with gilt tags, to be worn under the epaulette of the right shoulder, will distinguish the field officer and commissioned staff.

Boots—ankle.

Spurs—yellow metal.

Sabre—steel scabbard, half basket hilt, gilt with two fluted bars on the outside, fish skin gripe, bound with silver wire, and of the pattern deposited with the Ordnance Department.

Knot—gold cord with acorn end.

Sash—silk net, deep orange color, and like that of the infantry, as to shape and size; to be tied on the right hip; to be worn only when in full dress, or when directed by the commanding officer.

Waist-belt—black patent leather, one and a half inch wide, with slings, hooks, and plate, like those of the general staff, omitting on the plate the letters U. S. and inserting the letter D within the wreath.

Stock—black silk.

Gloves—white.

Biographical Sketch of Com. Charles Stewart,--Concluded.

To have approached nearer would have thrown one of the ships out of the line of her fire and left the Constitution liable to be raked. Captain Stewart therefore preserved this position during the action which lasted but forty minutes, until the two ships bore up and attempted to withdraw from the battle. They were, however, so completely crippled that the *Cyane* fired but one broadside more and struck her colors. The *Levant* went off to the southward, like a lame duck, while Captain Stewart was taking possession of the *Cyane*. This being accomplished, the Constitution pursued the consort, came up with her in a few minutes and exchanged fires on passing. The ship was immediately wore round, and a short chase of the *Levant* took place, but a few well directed shot being thrown at her, the colors were struck and she surrendered. She was then also taken possession of, and the three ships stood to the southward under easy sail, repairing their damages, securing their prisoners, and rendering the wounded as comfortable as possible. These things being done, the officer of the deck went into the cabin and asked if the crew should have their grog. The Captain enquired if they had not received it during the chase at the usual hour. The officer then related the circumstance which we have already

narrated, and remarked that the men were much exhausted and required refreshing. The grog of course was ordered, when the captains of the British ships, who were present, expressed their astonishment at sailors refusing their grog when going into battle. The reader will remember the incident of the British officers who were invited to dine, during our revolutionary struggle, by General Marion, and were feasted on roast potatoes. Like them, the captains of the *Cyane* and *Levant*, seemed to consider it folly to attempt to conquer such a people!

After giving a detailed account of this celebrated battle, Mr. Cooper, in his Naval History, remarks; "For a night action, the execution on both sides, was unusual, the enemy firing much better than common. The Constitution was hulled oftener in this engagement, than in both her previous battles, though she suffered less in her crew, than in the combat with the *Java*. She had not an officer hurt.

"The manner in which Captain Stewart handled his ship, on this occasion, excited much admiration among nautical men, it being unusual for a single vessel to engage two enemies, and escape being raked. So far from this occurring to the Constitution, however, she actually raked both her opponents, and the manner in which she backed

and filled in the smoke, forcing her two antagonists down to leeward, when they were endeavouring to cross her stern, or forefoot, is among the most brilliant manœuvring in naval annals."

On the next morning when the prisoners of the captive ships were brought together on deck for examination, two acquaintances recognised each other, both of whom were natives of Green Erin and had been impressed at Gibraltar. Rushing into each others arms, they simultaneously exclaimed, "Patrick, dear and Jemmy dear, are you alive still?" "I am sure," replied the latter, "but I thought they tould us at Gibraltar that it was all peace wid these Americans. By my shoul Patrick, if you had been on board our ship last night, you would not have considered them jist so remarkably peaceable at all at all." "Hould your tongue, Jemmy," replied Patrick, "did they not keep us mighty uneasy on board our ship too, you spalpeen; for the devil a minute they gave us for reflection of any kind and bad luck to you!"

The three ships now stood on their course towards the Cape de Verde Islands, where Captain Stewart was in hopes he would meet with some neutral vessels to make cartels of, and enable him to divest his ship of her numerous prisoners. After this, he intended sending the Cyane to the United States and then proceed to the Mediterranean with the Constitution and Levant, to chastise the piratical cruisers of Algiers, who had committed aggressions on the commerce of his country. After touching at the Isle of Mayo, he arrived and anchored on the 10th of March, at Port Praya, in the island of Saint Jago, where he found the vessels required for cartels to convey his prisoners. On the next day about noon, while engaged in making the necessary arrangements, three large ships of war, under cover of a thick fog, were discovered approaching his anchorage. They were so near striking distance before they were perceived, that no time was to be lost. Sail was immediately made by Captain Stewart on all of his ships, and the cables were cut, when they stood out to sea. He was well aware that the British respected not the neutrality of a port whose authorities possessed no competent force to defend it. The only hope, therefore, left to save his ships was on the open sea. By this prompt movement and his skilful manœuvring afterwards, he was enabled to save from the enemy's grasp the Constitution and Cyane. The movements of the British vessels and the unfavourable position of the Levant precluded the escape of the latter, and her retreat was cut off. She was forced back into the harbor and there, as Captain Stewart had foreseen, compelled by the fire of three heavy ships of war, composing Sir George Collier's squadron, to surrender in a neutral port of Portugal! At the time the Constitution and her prizes cut their cables, so near were the enemy's squadron that the British Captains, who were captured in the Cyane and Levant, expressed their belief that in half an hour all would be surrendered. At three o'clock, however, the British abandoned the chase, much to the chagrin and disappointment of the captive officers. The latter on their return to England caused to be inserted in James' Naval History, some severe strictures on the conduct of

Sir George Collier. On being apprised of this fact, Sir George demanded of the Admiralty a Court Martial or Court of Enquiry. This was refused, and, preferring death to disgrace, he committed suicide.

The Constitution proceeded to Maranam, on the north coast of Brazil, and after divesting her of the remaining prisoners, Captain Stewart returned to Boston, having become satisfied, from information obtained on his passage, that peace had been concluded between the United States and Great Britain.

After his return to the United States, the councils of New-York honored Captain Stewart with the *freedom of the city*, presented him with a gold snuff-box and extended to him the courteous hospitalities of that great metropolis by a public dinner. On his arrival in Philadelphia, the Legislature of his native state, Pennsylvania, passed a vote of thanks for his brilliant victory and directed the Governor to cause a gold hilted sword to be presented to him in testimony of their sense of his distinguished merits in capturing two British ships of war of superior force—the Cyane and Levant. The sword was presented by Governor Snyder through his aid, General Duncan, and acknowledged in due form. Congress also voted him a gold medal, commemorative of that brilliant event, and passed a vote of thanks to him and his officers for their valiant conduct.

The war having terminated with Great Britain, the Constitution was put out of commission, and laid up in ordinary. In 1816, Captain Stewart was placed in command of the Franklin ship of the line, of seventy-four guns, and in 1817, she was fitted out at Philadelphia, as the flag ship of Commodore Stewart, who was directed to take command of the American squadron in the Mediterranean sea. In November, 1817, he sailed for England, to convey the Hon. Richard Rush as minister to the court of Great Britain, who was landed there in the latter part of December, after which the Franklin proceeded to the Mediterranean, and Commodore Stewart took command of the United States forces in that sea.

Commodore Stewart proceeded to Naples Bay with the squadron under his command, at which city the Emperor of Austria had arrived, with his court, on a tour through the south of Europe. The marquis Cherechli, prime minister to the king of the Sicilies, sent an invitation to the Commodore to attend a grand fete to be given to the Emperor, at the king's villa. This was accepted, and the opportunity was embraced by the Commodore, to invite their majesties to visit the ships of war under his command, to which they readily assented. They came on board the Franklin seventy-four, where they were received in the most courtly manner by the Commodore and the officers of the squadron.

In 1820, the Franklin returned to the United States, and remained in ordinary until the following year, when she was fitted for service in the Pacific, and Commodore Stewart placed in command. Out of the revolt of the colonies of Spain in South America, there had arisen danger to our commercial and whaling enterprises in the Pacific and on its coasts, which seemed to admonish the government that nothing but an imposing force would avail; yet such was the nature and delicacy of the service, originating in the attitude

of the hostile parties, the obligations of the United States towards Spain (one of them) under the laws of nations and treaty stipulations, and on the other hand, the sympathy of the people of the United States for the struggling patriots and their cause, whose independence and power had not yet been acknowledged; with a disposition, on their part, to seize on neutral commerce under every frivolous pretext, and thereby acquire the means of carrying on the war, at the same time the United States were not disposed to hazard their peaceful attitude with either belligerent—this situation called for the exercise of great discretion, and imposed on the commander a necessity for exhibiting great prudence and firmness in giving efficient protection to his fellow-citizens, their commerce and their property; while, at the same time, he had to guard himself against the misrepresentations of those who, in their enthusiasm for the cause of either party to which they became wedded, through feeling or interest, had lost sight of their own honor, and involved, in some measure, that of their own country.

Thus, placed between these excited and hostile parties, opposing the interests of the one, and the high policy of the other, in giving advice, countenance, and protection to his countrymen, and the interests of the state; with no orders, save the crude and undefined laws of nations as his guide, which one of the parties held at naught, as they were not yet admitted into the great family of nations, and the other opposed by their policy and their laws to the Indies, the Commodore could not be long in discovering the very critical attitude he had been placed in, the arduous duties he had to encounter, and the reputation which he risked on the occasion.

To yield protection was an imperative duty—that complaints would ensue there was no doubt, and that the prejudices and sympathies of his countrymen, their agents, and the press, would join in the general clamor, there was every probability: and that this would lead to unpleasant results, he could not question, knowing how much the Executive Government lacked firmness when the general voice impugned the acts of their officers, and how willingly they avoid every responsibility of the acts of their national forces.

In thus casting a glance at his perplexing position, he determined on his course—that which patriotism, duty, and honor alone could point out. To yield every protection, to break down lawless blockades, and with them the Patriots' *pretexts* for plundering and sweeping our commerce from the Pacific sea, to interpose his forces and efforts in the restraining of the piracies and robberies of the buccaneers claiming the protection of the Spanish flag.

In accordance with this determination, Commodore Stewart addressed a letter to General Sucre, the civil and military Commander-in-chief, dated on board the "United States ship Franklin, Callao Bay, July 14, 1823." This able document, which, from its length, our limits forbid us to publish, won for its author, from the late profound and venerable Chief Justice Marshall, the most unqualified eulogium as a conclusive vindication of neutral rights, and exposition of the doctrine of blockade, and as one of the ablest disquisitions on that branch of international law, ever penned. On its receipt the blockade was immediately annulled.

In March, 1830, Commodore Stewart was in Washington and while there received from the Secretary of the Navy, the Hon. John Branch, a letter, proposing, by order of the Senate of the United States, various enquiries in regard to the management of the navy. This was answered with his usual ability, and his reply decided the action of the government on every point which he discussed.

In the month of August, 1830, he was appointed by President Jackson, a member of the Board of Navy Commissioners at Washington, where he remained until August, 1833, when he retired to his farm in New Jersey. In the month of July, 1836, he received a letter of instructions from the Navy Department, associating with him those distinguished officers, Commodores Dallas and Bolton, Commanders of the West Indian squadron and of the Pensacola Navy Yard, requiring him to examine the Navy Yards at New-York and Pensacola, with a view to their thorough improvement and reform. It need scarcely be added that this important duty was discharged with signal ability. A report was made to the Secretary of the Navy, which was characterised by the usual vigor and perspicuity of his productions. The Commodore also addressed a letter to the Secretary, which embodied information of the greatest importance in the accomplishment of an efficient system of national defence, and displayed an originality and comprehensiveness of view alike creditable to him as a statesman and a sailor.

On the first of July, 1837, Commodore James Barron resigned the command of the Navy Yard at Philadelphia, and Commodore Stewart was placed in command of that establishment.

By the most strenuous exertions, Commodore Stewart succeeded in launching the line-of-battle-ship Pennsylvania, on the eighteenth day of July. This ship, not only the largest in our navy, but the most magnificent in model and construction, was ordered by the Secretary of the Navy to be removed from Philadelphia to Norfolk, to be coppered, and Commodore Stewart was appointed to equip and take her to that place for the purpose.

The following eloquent tribute was paid to Commodore Stewart in the United States Senate, by the Hon. James Buchanan, on the occasion of his presenting to that body the joint report of the Commodore and Captain Henry of the Navy, on the subject of a Dry Dock at Philadelphia.

"Mr. B. said, that the character of the Commodore as a brave and skilful officer, was known to the whole country; but it might not be so well known, that he was peculiarly distinguished for that strong, practical, common sense, without which no man was fit for the important business of public life, and for the ability and zeal with which he applied this talent to every subject connected with his profession. It was this circumstance which gave great value to his recommendation; and the paper itself presented on its face, abundant evidence that he had formed a correct estimate of the Commodore's character. If it should produce the same impression upon other Senators which it had done on himself, the object of the memorialists could not fail to be accomplished. It established the necessity, in time of war, considering our extended maritime frontier, of having at least six or eight Dry Docks, in order to render our Navy efficient and

secure, instead of the two which already existed at Charlestown, in Massachusetts, and Gosport, in Virginia.

"It demonstrated the great superiority of what was called the lock dock, over the simple or single dry dock, such as the two already established; and that the navy yard at Philadelphia was peculiarly calculated to introduce this improvement, on account of the abundant supply of water, from a sufficient elevation, which could be obtained by means of the Schuylkill water works; that whilst the position of this navy yard was sufficiently remote from the ocean to render vessels perfectly secure from hostile attack, it was sufficiently near, by the use of steam tow-boats, for every practical purpose, and that another great advantage would be free from the corroding effects of sea water on the copper of their bottoms, and from barnacles and other substances which adhered to them and did them great injury. A very strong case was mentioned to prove this position. It had been necessary to send the Ohio, which had lain in ordinary for some time at the navy yard in New-York, round to Charlestown, to be docked and newly coppered, it having been found that the salines of the water had literally eaten the copper off her bottom.

"He moved that the memorials, together with the accompanying communication, be referred to the Committee on Naval Affairs, and that the communication be printed;—which was ordered accordingly."

Commodore Stewart is about five feet nine inches in height, erect and well proportioned, of a dignified and engaging presence, and possessed of great constitutional powers to endure hardships and privations of all kinds. Although sixty-two years of age, he is still as active as if he was but in the prime of life. His complexion is fair, but bears the weather beaten marks of naval service. His hair is of a chesnut color; his eyes blue, large, penetrating, and intelligent. The cast of his countenance is Roman, bold, strong, and commanding, and his head finely formed. It has been pronounced by a phrenologist, the head of a man of great vigor of mind, high sense of justice, and inflexible resolution of purpose. It is well known that his character corresponds perfectly with these indications.

His mind is acute and powerful, grasping the greater or smallest with the intuitive mastery of genius. He not only fully understands his profession as a naval commander, but all the various interests of commerce, the foreign and domestic policy of his country, the principles of government, and the "law of nations," are as familiar to him as "household words."

Let any person consult his numerous official letters and reports, embracing a wide range of subjects; or sit down and converse with him upon the political and social relations of our country, its internal resources, and the *true* policy of developing them, and he will be astonished at the extent and accuracy of his information. Often has the question been asked, how did this man, amidst the rapid events of a life spent in the active service of his country, acquire so much useful knowledge beyond the apparent line of his profession? The answer is,—Commodore Stewart has always been an observer, a reader, and a thinker.—Nothing has escaped his vigilant attention. He has devoted

himself to the service of his country, and he holds that whoever would serve his country well, should understand its government, its laws, and its interests, in order to uphold, represent, and sustain them.

His control over his passions is truly surprising, and under the most irritating circumstances, his oldest seamen have never yet seen a ray of anger flash from his eye. His kindness, benevolence, and humanity are proverbial amongst those who know him, but his sense of justice and requisitions of duty are as unbending as fate.

That this is not the strained language of panegyric, recur to the account of his noble rescue of the women and children from a watery grave, for proof of his humanity. Recur to his invention of our cannon sights, an event which added so much to our superiority in gunnery, for proof of his mechanical genius. Recur to his able and masterly letter to General Sucre, among many others, the principles of which have now become the guide and rule of our government, on the subject of blockades, for a proof of his knowledge of the Law of Nations. Recur to the magnanimous stand taken by him in conjunction with Commodore Bainbridge, on the employment of the navy at the outset of the war, for proof of his chivalric patriotism; to which circumstances alone are justly attributable—according to the Secretary of the Navy,—our glorious victories on the ocean, victories which covered the flag of the nation with imperishable honor, and inspired the drooping of our countrymen with that confidence and valor which enabled them to vanquish the foe, wherever they met him on sea or land. Recur for proof of his skill and bravery to the many actions in which he fought and commanded, and especially to his victory over the Cyane and Levant, a victory unprecedented in naval history, by which he reduced to practice his own prior theory, that one large ship could capture two ships of combined superior force.*

Recur to his numerous reports to the Navy Department, and to the President of the United States, at different periods, for proof of his intimate and comprehensive acquaintance with the domestic policy and interests of his country; and, if farther proof be needed of his ability and patriotism in the service of his country, every President, from Mr. Jefferson down to Mr. Van Buren inclusive, has conferred upon him his emphatic approbation, and some testimony to his satisfactory discharge of every duty.

Such is a brief outline of the character of Commodore Stewart, a son of whom Pennsylvania, as well as the entire Union, has just reason to be proud. His counsels and his services have contributed so much to the glory of the Navy, that they must be gratefully remembered, as long as the star spangled banner affords protection against foreign aggression to those over whom it floats, and is honored and respected throughout the world.

Long may he live to serve his country, and to behold the navy, with which he has been so long and so honorably associated, hoist her flag in every breeze, and protect her commerce and her rights on every sea.

*See his Letter, twelfth of November, 1812, to the Secretary of the Navy.



U.S. Military Academy

Major Gen^l Edmund P. Gaines
TO THE OFFICERS & SOLDIERS OF THE GUARD.

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